

Summary of the United States and European Union Seminar on the Social Dimension of Economic Integration



U.S. Department of Labor
Bureau of International Labor Affairs

April 2000



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This Seminar took place in the framework of the ongoing cooperation between the U.S. Department of Labor and the European Commission's Directorate General for Employment and Social Affairs, based on the New Transatlantic Agenda signed by the US and the EU in 1995.

Acknowledgments

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The views expressed here are solely those of the participants
and may not necessarily reflect the official positions or opinions
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Introduction

The U.S.-EU Seminar on the Social Dimension of Economic Integration was held in Washington, D.C. on October 14-15, 1999. This seminar brought together U.S. and EU representatives from various organizations in the labor, business, and government sectors to discuss the social and labor implications of the increasingly integrated global economy. The U.S. Department of Labor and the European Commission's Directorate General for Employment and Social Affairs commissioned four academic papers for the conference on the regional and global aspects of the social dimension. The four papers, and their panel discussions, provided the foundation of the seminar.

The tripartite nature of the conference, which included officials responsible for labor and trade questions in the U.S. and EU, as well as representatives from the U.S. and EU business and labor communities, was unique in that it brought together a broad array of interests and views on the subject in a single forum.

The summary provides a synopsis of the seminar discussions. Only those who were formally invited to speak as paper presenters or panel discussants will be named. For a copy of the four papers that were commissioned, please refer to *The Social Dimension of Economic Integration: Papers Submitted for Discussion at a United States and European Union Seminar*.

Overview

The objective of the seminar was to engage in a tripartite dialogue on the social dimension of economic integration. The seminar was divided into two major topics. The first session focused on economic integration, free trade, and other agreements at the regional level. It took stock of the current situation as well as the different means available to support the social and labor dimension in these different contexts.

The second session focused on how social concerns and core labor standards can be promoted in the context of globalization. In particular, the role of various international organizations, such as the International Labor Organization (ILO), the World Trade Organization (WTO), the Organization for Economic Cooperation and Development (OECD), and the International Financial Institutions (IFIs) -- International Monetary Fund, World Bank, regional development banks -- were examined. Instruments such as codes of conduct, social clauses, and Generalized System of Preferences (GSP) clauses were also addressed.

In each session, an EU-commissioned and an U.S.-commissioned paper were presented and discussed by U.S. and EU representatives from the labor and business sectors, and in most sessions, by government officials as well. In the concluding session, trade officials from the U.S. Government and European Commission were invited to speak on their perspectives for further progress in developing a social dimension in economic integration at the regional and global

levels, as well as what the EU and U.S. can accomplish through the Transatlantic Economic Partnership (TEP).

The seminar was conducted six weeks prior to the 1999 Ministerial Meeting of the World Trade Organization (WTO) in Seattle, where the question of addressing labor standards in the WTO was expected to be controversial, was scheduled six weeks after the seminar. This event provided a base for much of the two-day seminar. It is important to note that this lively discussion has continued to evolve since the seminar. The comments made by EU and U.S. officials that are summarized below reflect the state of the policy debate at the time of the seminar.

Also important to the discussion was the 1998 ILO Declaration on the Fundamental Principles and Rights at Work and its Follow-up. The term "core labor standards," often raised in the discussions, is generally recognized to include those covered by the ILO Declaration:

- Freedom of association and effective recognition of the right to collective bargaining;
- The elimination of all forms of forced or compulsory labor;
- The effective abolition of child labor; and
- The elimination of discrimination in respect of employment and occupation.

MacArthur DeShazer, Associate Deputy Under Secretary, Bureau of International Labor Affairs, U.S. Department of Labor and *Odile Quintin*, Acting Deputy Director-General, Employment and Social Affairs DG, European Commission co-chaired the seminar. *Fay Devonic*, Head of Unit, International Cooperation, Employment and Social Affairs Directorate-General, European Commission, chaired the first session on behalf of the EU. The following is a summary of the proceedings.

Opening Remarks

Mr. DeShazer opened the seminar by quoting from President Clinton's speech to the Democratic Leadership Council on October 13, 1999. The President stated that one of the remaining issues on which there is no national consensus is "how we're going to respond to globalization - to the global economy, the information age, and the whole nature of how we relate to other countries in terms of economics, the environment, and trade."

DeShazer continued by stating that the goal of the seminar was to encourage a tripartite dialogue to foster further understanding of these issues through discussing various points of view -- including what steps governments, labor organizations, and businesses might take to try to ensure that globalization does indeed work for everyone.

Mme Devonic noted that the United States and the European Union share common goals and objectives, among them that economic growth must be coupled with social progress. *Devonic* explained how these objectives had been translated into action within the European Union. She referred particularly to the European Community legislation in the social field, the European Employment Strategy and the important role of the European Social Dialogue. She also stated that the seminar format was designed to improve mutual understanding and identify common ground while also respecting differences.

The Social Dimension of Economic Integration at the Regional Level

This session focused on the development of the social and labor dimension in the context of economic integration, free trade and other agreements at the regional level. The European and Western Hemisphere regional agreements were considered in turn.

The Social Dimension of the European Union and the European Economic Area

Michael Gold's paper set the scene for the discussion of European developments. His paper focused on the historical development of a European Union that sought to combine "widely shared prosperity, economic efficiency, and social justice," with the realities of a diverse group of countries with differing levels of economic and social development. He outlined the main stages in the development of a social dimension at the European level, including the Treaty of Rome, the Single European Act, the Treaty on European Union and the Amsterdam Treaty.

The principal characteristics of the European social model were: (1) the development of legally enforceable European Community legislation covering working conditions, health and safety and equal opportunities for men and women; (2) a European social model based on social dialogue and partnership, with the social partners playing an increasingly important role in the policy-making and legislative process; (3) the development of increased cooperation between Member States on employment promotion through a European Employment Strategy; and (4) the modernization of social protection systems, including social safety nets.

Dr. Gold also pointed to the challenges now faced by the EU because of enlargement to include countries of central and eastern Europe, whose standards of economic development differ greatly from their western European counterparts. He also noted the potential problems in continuing to deepen the social dimension in the face of fiscal constraints imposed by the development of the European Monetary Union.

Representatives of the European social partners made the following comments on *Dr. Gold's* paper:

European Trade Union Spokesperson

Cecilia Brighi, European Trade Union Confederation

- Although *Dr. Gold* is right that the social dimension has been embedded since the beginning of the European Economic Community, overall social policy has run into much opposition from various national governments and employers' organizations as economic integration has deepened over the years.
- The instruments of social policy – legislation, collective bargaining, and concertation – are extremely important to institutionalize. However as the European economy is influenced by global trends, such as the liberal deregulation of labor laws and the reduction of social protection, it is important that the European social model respond to these changes and attacks by playing a dynamic role in adjusting to changing conditions.
- This is particularly important in view of the challenges that face the EU – such as the increased role of the EU institutions and powers; the conditions imposed on national budgets by the European Monetary Union; the active role of women in the labor market, and the need for new social services which accompany this trend; the increase of excluded and marginalized social groups and regional areas; the need for Europe to play a role on the international stage; and the crisis of low economic growth and high unemployment.
- In order to make the European social model more sustainable, there will need to be a coordinated effort to make social dialogue available at the sectoral and intersectoral levels. Issues at the intersectoral level could include collective bargaining on vocational training, labor market reforms, employment strategies, and homogenous criteria to calculate the productivity and rights of workers. At the sectoral level, there needs to be stronger coordination of EU-wide collective bargaining to insure that workers are not competing for lesser wages. This is particularly important given the introduction of a single currency.
- The internationalization of production, the liberalization of markets, and foreign direct investment have created a European consciousness towards promoting social and economic development in the Third World. In order to promote this movement, a number of instruments could be activated. First of all, the EU GSP program could be improved so that it is more readily used. Secondly, codes of conduct and social labeling should be wider spread, and common criteria should be established for monitoring and verification systems. Finally, an analysis needs to be made of the results in the social dimension of economic bilateral and multilateral agreements.

European Employers Spokespersons

Nicolas Gibert-Morin, Union of Industrial and Employers Confederation of Europe

- The objectives of the EU are guided by economic integration leading up to political integration. As European economies encounter new structural challenges, social concerns also need to be addressed. In particular, the following areas need to be examined:
 1. *The role of the EU in shaping social policy.* Problems and challenges differ from one member state to another. It is notable that using a one-size-fits-all approach across Europe will not resolve all problems, and it is important to respect diversity when discussing social policy.
 2. *Employment in the EU.* Companies are now faced with how to adapt to globalization. Technological changes continue to outdate the workforce skills. Also of particular concern in Europe is the aging population. With fewer young people entering the workforce, increased pressure is put on the social security system.
 3. *Future of Social Policy.* Dr. Gold's report emphasizes that implementing social policy with the social partners is not just a binding agreement, but also an effort to improve transparency, organize bench marking, and improve the competitiveness of companies. Over the last three decades, the groundwork has been laid for European Union social policy. If this is to be sustainable, it also must be adaptable to the changing times and the changing economy.

Benny Hansen, European Center of Enterprise with Public Participation of Enterprises of General Economic Interest

- The European Commission has invested many human and financial resources into promoting visible and positive development within the framework of the social dimension.
- The main issue now is to establish more flexibility in working patterns combined with securing a high degree of social welfare and protection. This can be achieved if European law-binding measures have a character of framework directives or agreements to be filled out by the national parliaments and the social partners within each of the member states.
- Due to its work on the social dimension, the Commission has broadened and spread essential information on the contents of important social affairs elements including employment promotion, quality and capability in the production process, and minimum labor standards.

- The development of social dialogue has progressed to the point that employees are now regarded in a holistic perspective - the worker is seen as a "whole" person living in a working place/family life framework. This perspective has resulted in workers bettering the quality and quantity of their production.
- It is important to emphasize that despite the diversity of European political and economic structures and cultures, the European social partners have been able to agree on such wide ranging issues as parental leave and part-time work.
- One possible conflict could be in the relations between the national parliaments and the social partners. To date this has not been a problem because of the constructive, forward looking and cooperative and responsible manner of the social partners and the European Commission.

The general discussion of Dr. Gold's paper that followed involved questions from U.S. participants on such issues as:

- The consultation of the EU social partners on the forthcoming WTO Ministerial Meeting in Seattle. It was pointed out that the European Commission had consulted the social partners and representatives of civil society, although this consultation fell outside of the formal social dialogue provided for in the Treaty.
- The role of structural funds in the process of regional integration, and the involvement of the social partners at the local level as well as in the overall management of the Funds. It was noted that the Structural Funds aimed to bridge the gap between the wealthier and less advanced regions of Europe and to promote employment and develop human resources. The social partners are closely involved, particularly through the European Social Fund Consultative Committee. This was contrasted with the North American Free Trade Agreement, which did not include the use of such funds.

The Social Dimension of Regional Integration in the Americas

Lance Compa's paper focused on the labor dimension of economic integration, economic arrangements, and free trade agreements in the Americas. In particular, he analyzed the social dimensions of four regional groupings: the North American Free Trade Agreement (NAFTA), the Canada-Chile Free Trade Agreement, the Southern Common Market (MERCOSUR), and the Caribbean Community.

The paper highlighted the variety of approaches these four regional groupings have taken to include a labor dimension in the process of economic integration across national borders. Although these social dimensions share common features - such as setting forth norms and principles to define workers' basic rights, as well as providing mechanisms to hold governments

(and sometimes private actors) accountable - they also have important differences on the role of state and non-state actors, oversight and enforcement mechanisms, and economic sanctions.

In many respects, the labor side agreement to NAFTA, the North American Agreement on Labor Cooperation (NAALC), and the Canada-Chile Agreement on Labor Cooperation (CCALC), can be seen as one model, while the social dimensions of MERCOSUR and CARICOM (principally the Social-Labor Declaration and the Charter of Civil Society, respectively) take a different path. The NAALC and the CCALC create strictly governmental entities headed by a ministerial council with no formal role for the private sector. Employers, trade unions, and NGOs have access through complaint procedures and invitation to "cooperative activities" under the agreements. However, they do provide for independent, non-governmental, *ad hoc* evaluation committees and arbitral panels as part of their case handling mechanisms. In contrast, MERCOSUR and CARICOM give employers and trade unions a formal role in tripartite working groups, committees, and commissions that administer the instruments of their social dimensions. In further contrast, they do not contemplate independent committees or arbitral panels to resolve disputes.

In his presentation, *Mr. Compa* focused on the contribution of these agreements to the development of the social dimension of integration in the Americas, including the provision of workers' rights beyond the ILO's recent Declaration on the Fundamental Principles and Rights at Work, the establishment of complaint and enforcement mechanisms, and the possibility of the use of economic sanctions. He also noted that these agreements have implications for the ongoing negotiations on the Free Trade Area of the Americas.

Mr. Compa highlighted some of the unintended consequences of these agreements. The complaint procedure of the NAALC has helped to create linkages between trade unions and civil society organizations in all three countries, in ways that were not envisioned by the negotiators that crafted the agreements. Because of the nature of the complaint procedure, these organizations have created cross-border alliances that could prove important in the future. In contrast, the ideal of a tripartite consensus system in the MERCOSUR has led to a stalemate over procedures amongst the tripartite partners.

Representatives from the U.S. Government, business, and labor communities made the following comments on *Mr. Compa's* paper:

U.S. Government Spokesperson

Jorge Perez-Lopez, U.S. Department of Labor

- The similarities between the social dimensions in the four integration agreements are remarkable in terms of defining labor standards, the creation of an institutional basis for administering agreements, and provisions for cooperative efforts.

- Conceptually, the differences in the regional labor agreements lie in their structure, including tripartite participation, enforcement, oversight mechanisms, and levels of transparency.
- The specific form of agreement in each of the regional groupings is the result of the negotiating reality in each instance.
- The Free Trade Agreement of the Americas has nine negotiating groups, but no group on the labor dimension. There is a government committee on civil society that could lead to more in the future.

U.S. Employers Spokesperson

Edward Potter, McGuinness & Williams

- Bringing labor standards into a trade context is a complicated exercise. This is particularly so because trade is only one aspect of the broader development and globalization process. Developing economies account for only a small fraction of over all trade. Thus, we have to ask the question, is the WTO the appropriate forum to raise levels of labor standards?
- It may be too early to determine the effects on labor standards of these regional agreements, as they may be overshadowed by larger multilateral agreements. Moreover, these regional agreements may diverge even further in practice as years pass.
- In considering worker rights in a trade context, one must address three questions: what particular labor standards to use, what criteria to use to evaluate the standards, and if a standard is not achieved, what happens? Will there be technical assistance, or some type of penalty assessed if a country does not abide by a standard? And if so, how will this be calibrated to "fit the crime," so to speak?
- The four experiments that have dealt with trade and labor standards in the Western Hemisphere that *Lance Compa* describe constitute one approach. These agreements were specifically tailored to fit their own economic and political circumstances.
- A second is the European approach, which attempts to harmonize the integration of countries that for the most part have comparable economic development.
- A third is the ILO core labor standards approach. This is not a new approach, as the ILO was founded in 1919 to separate trade from labor issues. The principle issue with this approach is that not all countries agree on core labor standards, nor has a third of the membership ratified the core standards.
- Fourth, there are unilateral approaches, such as the GSP, which in my opinion has a lot of appeal. The question then is why can't the EU, Japan, and the U.S. come up with a

multilateral GSP initiative? It is because even among the developed countries, this would be difficult to coordinate and implement. In Seattle, the negotiations will be even more complex once developing country perspectives are brought into the discussions. This is why reaching an agreement in the WTO on labor standards will be very difficult.

- Finally, there is the ILO's Declaration of Fundamental Principles and Rights approach which applies to all 174 ILO member nations. It encompasses all three of the necessary ingredients necessary to address worker rights and trade except the question of appropriate trade sanctions in egregious cases. Rather than take a punitive approach, it may be preferable to take a GSP-incentive approach as with the EU system.

U.S. Trade Union Spokesperson

Steve Beckman, United Automobile, Aerospace, and Agricultural Implement Workers of America

- The political demand of workers to be involved in the negotiation of trade agreements is demonstrated by their participation in these four Western Hemisphere trade agreements.
- However, the variety of labor dialogue structures in the agreements is really a reflection of the governments in the region exercising their creativity to avoid effectively addressing the issues raised by workers or to incorporate a social dimension into the trade agreements.
- None of the regional agreements in the Americas has integrated the social dimension aspect of economic integration as the EU has. This is because the fundamental premise in this region has been different. The EU is attempting to form a social and political union. This was not the objective of the NAFTA -- in fact, this goal was specifically rejected as an objective by the governments.
- Governments in the Western Hemisphere are interested more in narrow mechanisms which do not result in challenging the primacy of corporate-led economic development. For example, in the NAFTA, NAALC petitions related to the most basic right of workers, the right to freedom of association, can only lead to consultations between governments, not to any required change in enforcement policies or penalties for violation of this right. Likewise, there are no penalties for violations of broader worker concerns such as the abuse of the rights of migrant workers or closing plants to avoid unionization. The absence of any mechanism to discipline the violators of these rights and principles indicates the weakness of the NAALC and the low priority given to the advancement of workers' rights in the regional economic integration process.
- Although the MERCOSUR and CARICOM projects allow for unions to participate in discussions with businesses and government officials, giving them direct input into assessments of the integration process and the opportunity to present their own proposals, I am not optimistic that such access or the NAALC will, in any way, redress the imbalance in the regional trade agreements that makes the interests of corporations, especially

multinational corporations that operate throughout the Hemisphere, the main focus of governmental attention, not workers' concerns.

The general discussion of *Mr. Compa's* paper touched on such issues as:

- Differences between the EU social model system and the four Western Hemisphere agreements in terms of harmonization and enforcement of standards in a domestic legal framework. It was widely agreed that the EU model was much more comprehensive with regards to social dimension issues, but that an overriding reason for this was that the goal of the EU was a political and economic union, rather than just a free trade area. Given these political constraints, it was also noted that the NAALC was a compromise agreement, and the NAFTA lacks the strong coordination of economic and social policies that the EU system has created.
- The phenomenon of the creation of an international labor solidarity movement, such as trade union linkages with human rights and community-based organizations. It was noted that one of the unforeseen consequences of the NAALC has been to create networks between U.S., Canadian, and Mexican civil society organizations. The implications of these networks were discussed, including their possible impact on the 1999 WTO Ministerial in Seattle.
- Implications for the future Free Trade Agreement of the Americas negotiations. It was noted that the different frameworks and principles embodied in the social dimension of Western Hemisphere agreements would likely be raised in the FTAA debate on labor issues, particularly the "11 Principles" outlined in the NAALC labor side agreement. The focus on promoting core labor standards and the need for locally developed social mechanisms were compared and contrasted.

Social and Labor Issues in the Context of Globalization

This session was concerned with the extent to which social concerns and labor standards can be promoted in the context of globalization. The role played by international organizations was a focal point of the discussion.

In introducing the session, *Odile Quintin* proposed that what was needed was to identify win-win situations, by exploiting the synergies between economic and social policy and by allowing employers and trade unions to find the right balance between flexibility and security. She paid tribute to the work of the ILO in developing internationally-recognized core labor standards and went on to argue that other international organizations could also play an important role in promoting the social dimension of globalization. She concluded by referring to the contribution made by the social partners, particularly through the development of codes of conduct and social labels.

Papers by *Silvio Marcus-Helmons* and *Raymond Torres* were then presented. The former paper argued that core labor standards are human rights, and that fundamental human rights are no longer in the sovereign field of each state. *Professor Marcus-Helmons* acknowledged the concerns expressed by developing countries regarding the linkages between access to industrialized country markets and the observance of minimum labor standards.

Marcus-Helmons outlined a three point approach to address developing country arguments. First, the control of core labor standards should be vested in an international organization, and not dependent on the subjective appreciation of these standards by an individual state. Second, if a problem related to core labor standards occurs, the issue should not be resolved through restrictive trade practices, but be part of a global solution of that problem. Third, the focus of core labor standards should not be used as a pretext for trade protectionism, but rather the focus should be on positive incentives and dialogue.

The paper also reviewed recent stances adopted by the major international organizations with regard to such rights, including the UN, the ILO, the World Bank, the OECD, and the European Union. The scope for encouraging their observance rooted in private actions by consumers, businesses and trade unions in the advanced countries was also noted.

In his presentation, *Mr. Marcus-Helmons* focused on the increased importance being given by international organizations to social dimension issues. He highlighted the importance of establishing a set of basic regulations or ground rules to which all parties must adhere. In order to do this, there must be increased collaboration between various organizations, particularly the ILO and the WTO. Currently, the ILO lacks the tools to enforce the implementation of core labor standards. Collaboration between the two organizations will be important if a focus on these issues is to succeed.

Mr. Torres' paper focused on the issue of trade and labor standards from an economic point of view. The first half of the paper examined the relationship between core labor standards and export performance by concluding that implementation of core labor standards can support economic development and trade, but there is no evidence that low standards countries enjoy a better export performance than high standards countries.

The second half of his paper dealt with the role of domestic policies in influencing the impact of globalization on social progress. These included the four social pillars of policies that governments can use, namely education and training, a well functioning safety net, social regulations that combine adaptability with protection, and observance of core labor standards.

In his presentation of *Mr. Torres'* paper, *Jorge Perez-Lopez* highlighted some of the major arguments in favor and against the linkage of core labor standards with international trade. Proponents of such linkage offer three reasons for doing so. First, that the non-enforcement of labor laws confers an unfair cost advantage in world markets. Secondly, that no country should be allowed to violate basic worker rights or human rights for commercial gain. And thirdly,

continued political support for free trade in developed countries hinges on respect for their standards in developing countries. On the opposing side, opponents in developing countries refute the notion of a causal link between trade and labor standards and fear that this linkage is thinly disguised protectionism designed to erode their competitive advantage.

Based on the 1996 Organization for Economic Co-operation and Development report *Trade, Employment and Labour Standards: A Study of Core Workers' Rights and International Trade* (1996), *Torres* argues that there is little evidence linking low standards to export advantage. Trade specialization and advantage will depend more on relative factor endowments acknowledging economies of scale. In any event, the appropriate policy response does not lie in trade protection, but in creating incentives to help individuals and firms adjust to a rapidly changing environment.

The most appropriate mechanisms for promoting core labor standards are those that tackle the social costs of those standards. These include the broad access of democratic institutions, the lack of resources for enforcement, and some cases deliberate policies to lower standards, such as in export processing zones. He concludes that because no link has yet been established between core labor standards and production cost, there is at present little justification for introducing core labor standards into the WTO. However, although there is little support for this linkage, it is nonetheless the case that globalization and trade liberalization have increased the importance of universal adherence to these standards. Better enforcement of labor standards should only help, not hurt, economic performance.

Commenting on the two globalization papers by the European social partners, and representatives from the U.S. Government, business, and labor communities were:

EU Commission Representative

Hervé Jouanjean, Trade Directorate-General, European Commission

- The European Union strongly supports promotion of human rights and labor standards are part of human rights. The objective is to ensure that we have the right tools to ensure such rights are respected throughout the world.
- At the Singapore Ministerial of the WTO in 1996, the proposal for a working group on labor standards was strenuously opposed by developing countries who believed that their comparative advantage was threatened.
- In preparing for the Seattle Ministerial, the EU thought in depth about how to send a strong signal on labor standards while trying to avoid the negative reaction that would be associated with the term "working group."
- The EU feels that it is important to develop analytical work together with the developing countries, without necessarily involving the negotiation of new rules. The EU rejects

protectionism and sanctions, but is determined to build the conditions for the effective implementation of the core labor standards that everyone has subscribed to in the ILO. The EU position is to operate via a number of initiatives and to follow a progressive, step-by-step approach.

- The EU proposed a pragmatic and progressive five-pronged strategy:
 1. There should be serious, solid cooperation between the ILO and the WTO.
 2. The ILO should be granted observer status in the WTO.
 3. WTO members should adopt positive incentives in their legislation authorizing the Generalized System of Preferences (GSP), as the EU does.
 4. A high level dialogue should be launched -- a joint ILO/WTO standing forum -- on trade, globalization and labor issues.
 5. A dialogue with civil society at the national and international levels should be developed.
- Trade in isolation cannot solve all the problems we are facing in a global society. There must be coherence in the actions of international organizations, as had been said by several earlier speakers.

U.S. Government Spokesperson

Eric Biel, U.S. Department of Commerce

- Secretary of Commerce William Daley has taken a significant interest in this issue as part of his efforts to build a domestic consensus on trade. He has embarked on a national trade education tour and worked to encourage the business community to try to be more proactive in looking at how we can address these long-standing issues. The President's Export Council indicated its support for development of the global trading system in parallel with efforts to ensure greater respect for core labor standards.
- The day of the seminar (October 14), President Clinton had officially announced his plan to call for a working group on trade and labor in the WTO ministerial that would examine a discrete number of issues.
- The proposal for a WTO working group would in no way diminish the work of the ILO. There is enhanced opportunity for the ILO and WTO to work together, along with other international institutions, including the international financial institutions.

- This call for a working party on trade and labor is not a new idea. Concerns over the relationship between international commerce, international economic competitiveness and labor standards can be traced to the founding of the ILO and even earlier. Labor standards were reflected in the charter of the ITO which was never implemented. Instead the GATT was established.
- The U.S. Congress is on record in the Uruguay Round Agreements Act as supporting an initiative in the WTO to examine the relationship of trade to internationally recognized worker rights. The language stresses exploring the linkage. It does not detract from the ILO's role in developing and overseeing labor standards.
- A GATT working party on the relationship of trade and labor was also proposed by the Reagan Administration. The language of the Reagan proposal is similar to that of the Clinton administration and should therefore reassure both developing countries and members of Congress that the U.S. does not want to erode those countries' legitimate comparative advantage.
- The challenge both on the international scene and domestically is to find practical ways to improve the confidence of workers at home and workers elsewhere in the world that the international trading system is addressing issues of concern to them without threatening the legitimate concerns of developing countries.
- It is important to break down barriers between our hardened concepts of "economic" and "social," and to include other international organizations like the international financial institutions in the discussion on the social implications of trade.

U.S. Trade Union Representative

Thea Lee, AFL-CIO

- The papers make strong positive statements in two directions with different emphases: the first that core labor standards are not bad for economic development and growth, and may in fact be good. The second, that core labor standards are fundamental human rights.
- However, where the Torres paper falls short is in differentiating between economic growth and the distributional questions, or "what is good for an individual company or worker within an economy may not be what's best for the aggregate economy." Developing countries have valid concerns in this area.
- Countries do not repress unions for fun, nor do companies violate labor rights because they have a social preference for it. They do it because the only way to seek short-term profit in an unregulated, highly competitive global market without any minimum standards is to find ways around the rules or seek out places that do not have standards.

- Since we do not believe that violating core labor standards leads to greater economic development in the long-term, we need to find the tools within the trading system, the international financial institutions, the development funds, and the other instruments we have at our disposal to help those individual economic actors who find themselves constrained in a system where the only way of competing is by violating core labor standards.

U.S. Employers Representative

Willard Workman, U.S. Chamber of Commerce

- Concerning the upcoming trade negotiations in Seattle, it must be noted that there are significant disagreements between the two major players - the U.S. and the EU - on issues other than labor standards and the environment. So the idea that there will be a new round of WTO multilateral negotiations may not prove to be a valid assumption.
- Developing countries have a legitimate concern that labor standards will be used as a non-tariff barrier to keep their goods out of the developed world's markets. Whether you call it a working party or a high level forum, unless the developing countries' perspectives are taken into account, it is doubtful whether including labor standards into the WTO will ever be achieved.
- Governments repress unions for political as well as economic reasons. It is here where labor unions and business people have some common cause in fighting for political freedom.

EU Trade Union Representative

Erik Carlslund, European Trade Union Confederation

- Although much of the discussion has concentrated on competition between developed and developing countries, this is likely a false debate. It is more to the point that developing countries are competing against one another. Because economic competition takes place in a global arena with few rules and regulations, developing countries are losing out from the positive benefits of trade and globalization - particularly the incentives and support to attain sustainable development - because of the balance of power. This is why it is important to secure not free, but fair trade.
- The problems developing countries have with existing trade agreements have less to do with market access, and more with having the infrastructure to gain from new opportunities. That is why development assistance is needed for the poorest countries if they are to be able to gain benefits from trade liberalization.
- Our own European history shows the importance of including core labor rights in establishing a path of sustainable development. Unions have played a strong role in

equalizing income distribution. However, core labor standards will not have an effect without a societal framework in which to implement them. There must be synergy between the efforts of individual businesses, social groups, macroeconomic policies, and international agreements in order to maximize the potential of these standards. If the social dimension is ignored, one runs into the strong possibility of social instability.

- How can we insure that the social dimension is implemented in the international arena? It is important for the Bretton Woods institutions - the World Bank and the regional development banks - to incorporate core labor standards into their policy practices. It would also be timely to have a working group at the WTO to examine these issues as well.
- Given that a large number of the world's multinational corporations are based in the EU and U.S., this gives the EU and U.S. considerable leverage in developing social labels and codes of conduct, which is another avenue to promote adherence to core labor standards.

EU Employers Representatives

Emmanuel Julien, Union of Industrial and Employers Confederation of Europe

- In order for labor to positively contribute to the process of globalization, there needs to be smooth circulation of people and businesses, increased compatibility between national and regional areas, and a healthy diversity of actions for incorporating labor standards.
- This means investigating several different approaches for incorporating core labor standards. Studies need to be continued, and there needs to be a realistic understanding of the time frame for implementing these standards. National governments, social partners, and international organizations - including the ILO, WTO, IMF, and World Bank - need to coordinate their research and policy efforts in this area.

Robert Villeneuve, European Center of Enterprise with Public Participation of Enterprises of General Economic Interest

- The link established between trade and labor standards depends on the political goal being pursued. In the case of the EU and its internal market, this goal is social and political, as well as economic, union; in contrast, in other contexts the goal is simply economic.
- Representing companies involved the general economic interest, that is companies that often provide basic infrastructure services, operating at the local level, leads our organization to emphasize a bottom-up approach to addressing the issues under discussion.
- Codes of conduct should be welcomed as a credible alternative to legislation, providing that some diversity could continue: these codes are indeed becoming a critical mass which together could have a significant influence on the social well-being of a local population.

- Employment policy must also be implemented at the grass roots level, taking into account sectoral policies on employability, entrepreneurship, adaptability, and equal opportunity.
- Social dialogue between civil society and business at the community level can help alleviate the problems of skill and time mismatches in an economy. At the global level, this bottom-up networking means exchanging information on good practices and respecting sovereignty.

The general discussion that followed the panel discussion of the two globalization papers focused to a large extent on the U.S. and EU proposals for addressing core labor standards at the upcoming Seattle ministerial and how to encourage developing country support. This discussion was incorporated in the summary of later presentations on trade. Some of the other issues touched on included:

- The role of multilateral institutions with regards to core labor standards and the social dimension of globalization was addressed. Specifically, participants discussed coordination and cooperation between the WTO, ILO, IMF, and World Bank on labor issues. It was widely agreed that there was currently little cooperation or coordination on these issues.
- The concerns of developing countries with regard to globalization and labor standards were broadly recognized. For example, it was noted that developing countries often have policies imposed on them (such as structural adjustment programs initiated by the IMF and the World Bank), and the question was raised whether there were any new initiatives to engage these countries as equal partners in dialogue.
- The question of whether addressing core labor standards should be based on their being human rights or whether an economic rationale was important. Participants generally agreed that core labor standards were part of basic human rights, but some felt that when addressed in a trade context, there should be some basis for arguing that these fundamental rights are consistent with good, long-term development policy.

Synthesis of Discussion by Independent Experts

Graham Room and *Lance Compa* provided summary comments on the proceedings. The following is a synopsis of their comments:

Graham Room, University of Bath

- The exchange of information on the social dimension of the U.S. and EU regional integration experiences has shown that these "experiments" have very different histories

and thus it is difficult to draw common lessons from them. Nevertheless, there are a number of common themes that one can draw from the proceedings.

- The U.S. and EU experiences both show that unexpected consequences may arise from the regional integration of economies. The cross-country partnerships in the NAALC are one example from the North American experience.
- The role of social partners is one of the most critical aspects of the social dimension. As we have seen, there is a diverse range of roles that these actors play, whether they are insiders as is the case with the European Union or MERCOSUR, or whether they are more outsiders as in the case of the NAALC. However it is evident that in the EU social partners are very active, while in the MERCOSUR it is much less so.
- The case of the NAALC shows that the social dimension is developing actively in terms of cross-national networking and advocacy between trade unions and other interest groups in the countries involved. That involvement has extended out to civil society more generally. An increased role for civil society organizations could have a strong effect on the social dimension in both the U.S. and EU.
- The European social model of generous social protection, social dialogue, and an active employment strategy together show that an active social policy can make for high productivity and high growth rather than being seen as a burden on economic growth, makes for an attractive model. However, it is important to note the diversity in welfare systems, social protection, and industrial relations that exist between the EU member states and the contestation that continues in regards to the European social model, both in terms of the types and levels of protection that should exist and in the forms of representation of the social partners that exist in the social dialogue.
- In terms of looking at the social dimension in the context of globalization, it is important to note that the development agenda is much larger than just the trade agenda, and this is something to consider when focusing on linking labor standards with multilateral trading regimes.
- Within the European Union, one could argue that the single market and the single currency are not enough. There needs to be an active employment strategy in order to ensure that employment and prosperity are adequate. This points us towards a multifaceted approach to the social dimension of the global economy – the market is not enough.
- There is a responsibility on the richer countries to assist developing countries in this process. Examples of this include: implementing the GSP system through a concerted effort on a multilateral level; various forms of codes of conduct including those that can

come out of dialogue between the social partners; and development aid to the poorest countries.

- Although there has been a recent focus at the seminar and elsewhere on core labor standards within the context of global economic integration, it is important to take stock of the different possible arguments, such as is discussed in the Torres paper. These include: 1) the economic argument that core labor standards may have harmful economic effects, which has yet to be proven; 2) the human rights argument that core labor standards are part of a moral standard; and 3) domestic political concerns, such as domestic union pressure.
- Beyond core labor standards, one needs to examine the distributional consequences of global trade, including the distributional consequences between countries and within countries. The social dimension is more than simply the concern about the social minimum. If the market goes beyond the individual nation, then the responsibility for compensating the losers must go beyond national administrations as well.

Lance Compa, Cornell University

- The role of social actors in the social dimension needs to be critically examined. From a North American viewpoint, as the traditional social contract breaks down, the trade union movement and management may see themselves as natural adversaries. They have interests that conflict, and they come to accommodation through collective bargaining or their strength in the legislative process.
- A corollary point is to examine the role of civil society. While the development of a strong civil society movement is a positive development, it can also be used as an abdication by governments to develop a strong regulatory system to protect worker's rights in the local economy backed up by strong legal enforcement. A good example of this is the trade union movement's skepticism about the development of codes of conduct and labeling schemes. In this case, it may be that corporations are enthusiastic about the codes of conduct movement because it is a way for them to avoid trade unions and the obligation to bargain collectively with workers.
- This means that while the United States should try to work multilaterally on linking core labor standards and trade in a way that recognizes developing country interests, the United States should also be prepared to act unilaterally through the GSP or Section 301 if necessary to address egregious workers' rights violations.
- It should not be left unsaid that the United States has a particular problem of hypocrisy in this area. The fact of the matter is that the U.S. is not in compliance with core labor standards on freedom of association and the right to organize and bargain collectively. We have weak laws to begin with, and these are at times not enforced. There is a common

practice in the U.S. when workers seek to form a union of dismissing the union supporters. There is a judicial doctrine in the U.S. that permits the permanent replacement of workers who exercise the right to strike. If the United States is going to international forums to talk about the need to protect core labor standards, it should be serious about addressing these problems at home.

- The roles of the ILO and the WTO need to be considered closely. There is a general movement toward the notion that the ILO should be a neutral fact-finder or mediator in trying to resolve core labor standards problems. But if these problems cannot be resolved through the ILO, then it should be handed over to the WTO for action. While this is a construction that needs to be developed, one needs to do much more careful detailed analysis on how this relationship will work.
- The whole discussion has been based on the trend of globalization – but a question worth asking is, has the wave of neo-liberalism and globalization of the 1970's-90's crested and come to an end? Are we facing a breakdown in the system of globalization? The demise of the multilateral agreement on investment and the historic inability of the Clinton Administration for the first time ever to obtain fast-track negotiating authority from Congress may be a demonstration from working people who have had enough of "this type of globalization."

Remarks by U.S. and EU Trade Officials

The remarks by representatives of the European Commission and U.S. Government directly responsible for trade negotiations, and the questions that followed, to a large extent, expanded upon earlier presentations or comments made during the discussion period that followed the panelists in the globalization session.

Jon Rosenbaum, Assistant United States Trade Representative for Trade and Development, spoke about the incentives within the U.S. GSP program, outlined the U.S. proposal for a Working Group on Trade and Labor in the WTO, and explained how the Administration had addressed concerns of developing countries in developing the proposal.

Mr. Rosenbaum contrasted the U.S. GSP program with that of the EU, noting that the U.S. review process through which a country may lose its duty free access for eligible products for failure to comply with certain requirements, including internationally recognized worker rights, seemed to provide an effective enticement for countries to improve their worker rights practices. Full GSP duty-free treatment is granted to all beneficiaries and remains in effect unless suspended. The EU program, which allowed for improved market access to countries meeting certain high standards, had so far been only granted to a few countries.

The primary responsibility of the WTO Working Group on Trade and Labor proposed by the U.S. would be to analyze issues such as the relationship between trade and employment; trade and

social protections, trade and core labor standards; trade and forced and exploitative child labor; positive trade incentives; and trade and derogation from national labor standards. The analysis would be done in collaboration with the ILO, UNCTAD and other relevant institutions result in a report. By strictly limiting the group's mandate, the U.S. hoped to assuage the developing countries' fears that its intentions were protectionist. Nor did the U.S. proposal intend to supplant the ILO in any way. Rather, the U.S. proposal attempts to complement the ILO. The U.S. also favors observer status for the ILO in the WTO. Nevertheless, the U.S. believes that there were legitimate areas where WTO analysis would be useful, and unless the WTO at least began a dialogue on these issues, it risked losing political support.

Hervé Jouanjean of the EU noted that in addressing concerns over globalization, it must be recognized that globalization is here and will continue. Protectionist approaches to halt its consequences would not be in the best interests of workers in developing or developed countries. The problem is to find answers that take into account the human side of globalization.

Market access is not enough for the developing countries: the Lomé countries enjoy special trade preferences into the EU but their trade growth is minimal; the ASEAN countries do not enjoy preferences in the European market but their trade growth is exponential.

The organization of global trade must include a development dimension and so the issue must be taken up by the WTO in one way or the other. While the WTO is not a development agency, it can, in collaboration with the IMF and World Bank, make a contribution to capacity building in the developing world.

A wide ranging discussion followed the U.S. and EU presentations on trade and labor and the WTO (including in the earlier session on globalization). The need to build up a relationship of trust and to address the concerns of developing countries, based on dialogue and possible new international initiatives to promote social development, was broadly recognized. Some participants suggested that trade-offs might be needed to develop support for a trade and labor initiative in the WTO. Others thought that it should not be necessary to provide concessions to start discussion in the WTO on trade and labor. The importance of ensuring proper implementation and follow-up of the Declaration on Fundamental Principles and Rights at Work, which was agreed by the ILO in June 1998, was also stressed.

Concluding Remarks

The EU and U.S. co-chairs ended the seminar with their concluding thoughts on the seminar.

Odile Quintin

Acting Deputy Director-General, Employment and Social Affairs DG, European Commission

- The EU and the U.S., although they have different social models, have similar aims. The key elements of the European social model are social dialogue, a high level of social

protection, an active European Employment Strategy and the promotion of equal opportunities for men and women.

- Globalization should be steered in such a way as to promote competitiveness, growth and social progress.
- All of the major international organizations have a role to play in securing these goals, and their roles must be concerted.
- The transatlantic business dialogue and the transatlantic labor dialogue can provide a forum for the social partners from the EU and the U.S. to continue their exchanges on these issues.
- While the notion of social partnership meets with some skepticism in the U.S., the example of Ireland (the Economic and Social Pact) and the Netherlands (the so-called Polder model) during the 1990s show concretely what can be achieved at the national level, while the EU agreements on part-time and fixed-term contracts, developed through social dialogue, show what is equally possible at the regional level.
- The international debate on the social dimension of globalization and the promotion of core labor standards will certainly continue both before and after the Seattle WTO Ministerial meeting.

MacArthur DeShazer

Associate Deputy Under Secretary, Bureau of International Labor Affairs, U.S. Department of Labor

- The European Social Dimension has certainly evolved over nearly 50 years in terms of the depth of its economic and social dimension. The current focus on the social dialogue and the ground up approach is especially interesting. This approach was also mentioned by some of the panelists as a necessary component to address globalization issues at the multilateral level. Perhaps this is something we could explore further.
- The four approaches in the Americas are much less ambitious. However, they are all quite recent efforts. Perhaps it would have been enlightening if we had compared these Western Hemisphere agreements to the experience in Europe in its first years.
- With respect to our own North American Free Trade Agreement, the point was made, and it is the case, that it is strictly an economic arrangement. It never did contemplate the broader political or social union that marks the EU experience.
- The fact that the NAFTA was designed as an economic agreement explains to a large extent the differences between the labor supplemental agreement to the NAFTA – the

North American Agreement on Labor Cooperation – and the EU's social dimension. As it was brought out in the discussion yesterday, one of our social partners would have liked for the NAFTA to be broader – that is, closer to the European Union in terms of common policies and harmonization of standards – but the other would not. At the end of the day, this was not the negotiated outcome. The lack of structural funds or other mechanisms to assist in the social transition to greater economic integration was raised as one example of how the NAFTA differs from the EU.

- The very rich discussion from government officials and from the social partners touched on many of these elements and brought out some additional ones, in particular how to address labor in the upcoming WTO round; the ILO declaration and its follow up mechanism; the possibility of using positive trade incentives to promote core labor standards; the role of codes of conduct and consumer labeling initiatives; and the imperative to have international organizations - including the international financial institutions - work coherently to promote core labor standards.
- The shadow of the Seattle WTO Ministerial provoked a very lively discussion of possible approaches and strategies to gain positive progress on labor standards at Seattle. Both the EU and U.S. approaches were discussed and contrasted. One of the conclusions from the discussions is that there great similarity in the objectives the U.S. and Europe are pursuing, although there are some differences regarding specific outcomes (for example, the U.S. emphasis on a working group within the WTO, while the EU advocates a forum outside the organization). The discussion has been helpful in clarifying what is contained in each of the proposals and hopefully will provide the opportunity for more intense conversations as we get closer to the Ministerial.
- Another idea that emerged was the importance of the social dialogue as a way to move forward on these very sensitive issues. There were a number of references to the work being done by the Transatlantic Business Dialogue. By comparison, it would seem that the Transatlantic Labor Dialogue has not been as active. Increased labor dialogue across the Atlantic could be helpful in addressing the issues we have discussed over the course of the seminar.

US-EU SEMINAR ON THE SOCIAL DIMENSION OF ECONOMIC INTEGRATION

**October 14-15, 1999
Bureau of Labor Statistics
Conference Room #2 & #3
Postal Square Building
2 Massachusetts Avenue, NE
Washington, D.C.**

THURSDAY, OCTOBER 14, 1999

12:00pm **Registration**

1:00pm **Opening Remarks**

MacArthur DeShazer, Associate Deputy Under Secretary, Bureau of International Labor Affairs, U.S. Department of Labor

Odile Quintin, Acting Deputy Director-General, Employment and Social Affairs DG, European Commission

The Social Dimension of Economic Integration at the Regional Level

This session will address the following questions: how has the social and labor dimension developed in the context of economic integration, free trade and other agreements at the regional level? What is the current state of play? What different means are available to support the social and labor dimension?

- European Union
- European Economic Area
- North American Agreement on Labor Cooperation
- Canada/Chile Agreement on Labor Cooperation
- MERCOSUR Social and Labor Declaration
- CARICOM Charter of Civil Society

1:20pm **The Social Dimension of the European Union and European Economic Area**

Chair: O. Quintin

The Social Dimension of the European Union and the European Economic Area

Dr. Michael Gold, Royal Holloway College, University of London

- 1:30pm **Comments by panel of representatives from the European social partners**
- European Trade Union Spokesperson
 Cecilia Brighi, European Trade Union Confederation
- European Employers Spokespersons
 Nicolas Gibert-Morin, Union of Industrial and Employers Confederation of Europe
- Benny Hansen*, European Center of Enterprise with Public Participation and of Enterprises of General Economic Interest
- 1:50pm **General discussion of the social dimension of the EU and the EEA**
- 2:20pm **Coffee**
- 2:35pm **The Labor Dimension of NAFTA (NAALC), Canada/Chile FTA Agreement on Labor Cooperation, the MERCOSUR Social and Labour Declaration, and CARICOM Charter of Civil Society**
- Chair: M. DeShazer
- Works in Progress: Constructing the Social Dimension of Trade in the Americas
- Lance Compa*, Cornell University School of Industrial and Labor Relations
- 2:45pm **Comments by panel of representatives from the U.S. Government and U.S. Social Partners**
- United States Government Spokesperson
 Jorge Perez-Lopez, U.S. Department of Labor
- United States Employers Spokesperson
 Edward Potter, McGuinness & Williams
- United States Trade Union Spokesperson
 Steve Beckman, United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW)
- 3:15pm **Discussion of U.S. Paper**
- 3:45pm **Overview of Regional Approaches**
 Discussion of similarities and differences in approach, perspective, effectiveness, etc.
- Introduction by Dr. Michael Gold and Mr. Lance Compa

4:00pm **General Discussion of various regional approaches**

4:30pm **Conclusion by the co-chairs**

FRIDAY, OCTOBER 15, 1999

8:15am-9:00am **Continental Breakfast**

Social and Labor Issues in the Context of Globalization

Co-Chairs: O. Quintin and M. DeShazer

This session will address the following questions: How can social concerns and core labor standards be promoted in the context of globalization? In particular, what role can international organizations play?

- International Labor Organization (June 1998 Declaration, ILO Conventions, etc.)
- World Trade Organization, Organization for Economic Co-operation and Development, International Financial Institutions (International Monetary Fund, World Bank, etc.)
- Codes of conduct/social labels
- GSP Clauses

9:00am **Introduction**

9:10am **Presentation by EU independent expert**

Professor Marcus-Helmons, Universite Catholique de Louvain

9:30am **Panel Discussion**

EU social partners, European Commission, U.S. social partners and trade officials

European Commission Representative

Hervé Jouanjean, Director, Trade DG, European Commission

United States Government Representative

Eric Biel, U.S. Department of Commerce

United States Trade Union Representative

Thea Lee, AFL-CIO

United States Employer Representative

Willard Workman, U.S. Chamber of Commerce

European Trade Union Representative

Erik Carlslund, European Trade Union Confederation

European Employers Representatives

Emmanuel Julien, Union of Industrial and Employers Confederation of Europe

Robert Villeneuve, European Center of Enterprise with Public Participation and of Enterprises of General Economic Interest

10:45am **General Discussion**

12:00pm **Lunch**

Conclusions

Co-Chairs: O. Quintin and M. DeShazer

This session will examine the following questions: what are the perspectives for further progress in developing a social dimension in economic integration at the regional and global levels? What can the EU and U.S. do to this end, including in the context of the Transatlantic Economic Partnership (TEP)?

1:15pm **Synthesis of discussion by independent experts**

Dr. Graham Room, University of Bath

Mr. Lance Compa, Cornell University

2:00pm **Remarks by U.S. and European Commission trade officials**

Jon Rosenbaum, Office of the United States Trade Representative

Hervé Jouanjean, Director, Trade DG, European Commission

2:30pm **General Discussion**

3:15pm **Wrap Up and General Conclusions**

MacArthur DeShazer, Associate Deputy Under Secretary, Bureau of International Labor Affairs, U.S. Department of Labor

Odile Quintin, Acting Deputy Director-General, Employment and Social Affairs DG, European Commission

**THE SOCIAL DIMENSION OF
ECONOMIC INTEGRATION SEMINAR
WASHINGTON, D.C.
OCTOBER 14-15, 1999**

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**THE SOCIAL DIMENSION OF
ECONOMIC INTEGRATION SEMINAR
WASHINGTON, D.C.
OCTOBER 14-15, 1999**

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END

06-26-00

- European Union
- European Economic Area
- North American Agreement on Labor Cooperation
- Canada/Chile Agreement on Labor Cooperation
- MERCOSUR Social and Labor Declaration
- CARICOM Charter of Civil Society

1:20pm **The Social Dimension of the European Union and European Economic Area**

Chair: O. Quintin

The Social Dimension of the European Union and the European Economic Area

Dr. Michael Gold, Royal Holloway College, University of London